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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 8th December, 1975/Agrahayana 17, 1897 (Saka)

THE DELHI LAND HOLDINGS (CEILING) AMENDMENT ORDINANCE, 1975

NO. 27 OF 1975

Promulgated by the President in the Twenty-sixth Year of the Republic of India.

An Ordinance to amend the Delhi Land Holdings (Ceiling) Act, 1960.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Delhi Land Holdings (Ceiling) Amendment Ordinance, 1975. Short title and commencement.

(2) It shall come into force at once.

Act 24 of 1960 to be temporarily amended.

2. During the period of operation of this Ordinance, the Delhi Land Holdings (Ceiling) Act, 1960 (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 to 14 (both inclusive).

Amendment of section 1.

3. In section 1 of the principal Act, in sub-section (2),—

(*a*) in clause (*b*), for the words "owned by the Central Government", the words "owned and held by the Central Government or any State Government" shall be substituted;

(*b*) in clause (*b*), the word "and" occurring at the end shall be omitted and after that clause, the following clause shall be inserted, namely:—

"(*bb*) the areas owned and held by any corporation owned or controlled by the Central Government;";

(c) for clause (c), the following clauses shall be substituted, namely:—

'(c) the areas acquired under any law relating to the acquisition of land for a public purpose;

(*d*) the areas held and occupied, on the appointed day, for the purpose of a goshala or for the purpose of breeding, or feeding, or both, of horses, and, in either case, declared as such in the prescribed manner by the Chief Commissioner:

Provided that, no declaration under this clause shall be made by the Chief Commissioner in respect of an area held and occupied for the purpose of a goshala unless the goshala has been established for a charitable purpose without any motive for profit and registered as a society under the Societies Registration Act, 1860 and the entire income from such area is utilised for the purpose of the goshala: 21 of 1860.

Provided further that, when any area or any part thereof ceases to be held and occupied for the purpose referred to in this clause any declaration made under this clause, shall cease to have effect either in whole or in part, as the case may be, and the provisions of this Act shall apply to the whole or part of such area accordingly; and

(*e*) the areas owned and held by any agricultural co-operative land mortgage bank, any State or Central Co-operative Bank or any other bank.

Explanation.—For the purpose of this clause, "bank" means a banking company as defined in section 5 of the Banking Regulation Act, 1949 and includes the State Bank of India constituted under the State Bank of India Act, 1955, a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959, a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Agricultural Refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963.'. 10 of 1949. 23 of 1955. 38 of 1959. 5 of 1970. 10 of 1963.

Amendment of section 2.

4. In section 2 of the principal Act,—

(*a*) clause (*a*) shall be re-lettered as clause (*aa*) and before that clause as so re-lettered, the following clause shall be inserted, namely:—

'(*a*) "appointed day" means the 24th day of January, 1971;';

(*b*) for clause (*d*), the following clause shall be substituted, namely:—

'(*d*) "family", in relation to a person, means the person, wife or husband, as the case may be, and the minor sons and unmarried minor daughters of such person;';

(*c*) after clause (*e*), the following clauses shall be inserted, namely:—

'(*ee*) "orchard" means a compact area of land, having fruit bearing trees grown thereon in such number that they preclude, or when fully grown, would preclude, a substantial part of such land from being used for any agricultural purpose, but does not include any land, being a banana or guava garden or vine yard;

(*eee*) "person" includes a company, family, association or other body of individuals, whether incorporated or not, and any institution capable of holding property;';

(*d*) in clause (*h*), the words "standard acre" shall be omitted.

Substitution of new section for section 3.

5. For section 3 of the principal Act, the following section shall be substituted, namely:—

Ceiling on holding.

"3. (*1*) Subject to the provisions of this section, on and from the commencement of the Delhi Land Holdings (Ceiling) Amendment Ordinance, 1975, no person either by himself or, if he has a family, together with any other member of his family (hereinafter referred to as the person representing the family) shall, whether as a Bhumidhar or an Asami or partly in one capacity and partly in another, be entitled to hold land in excess of—

(*a*) (*i*) 7.25 hectares, in the case of land which is assured of irrigation from a private source of irrigation and is capable of yielding at least two crops in a year; or

(*ii*) 5.8 hectares, in the case of land which is assured of irrigation from a Government source of irrigation and is capable of yielding at least two crops in a year; or

(*b*) (*i*) 10.9 hectares, in the case of land which is assured of irrigation from a private source of irrigation and is capable of yielding at least one crop in a year; or

(*ii*) 8.7 hectares in the case of land which is assured of irrigation from a Government source of irrigation and is capable of yielding at least one crop in a year; or

(*c*) 21.8 hectares, in the case of any other land, including an orchard.

(*2*) Where a person holds land falling under more than one category specified in sub-section (*1*), then, the land held by him shall be converted into land falling under category (c) and for the purpose of such conversion one hectare of land falling under category (*a*) (*i*) shall be treated as equal to 3 hectares of land falling under category (*c*), one hectare of land falling under category (*a*) (*ii*) shall be treated as equal to 3.75 hectares of land falling under category (*c*), one hectare of land falling under category (*b*) (*i*) shall be treated as equal to 2 hectares of land falling under category (*c*) and one hectare of land falling under category (*b*)(*ii*) shall be treated as equal to 2.5 hectares of land falling under category (c); and the extent of the land as so converted together with the extent of the land, if any, falling under category (c) held by such person shall not exceed 21.8 hectares.

(*3*) For the purposes of this section, land which is assured of irrigation from a Government source of irrigation means any land which is irrigated, or is capable of being irrigated, from such source.

(*4*) If any question whether any land is capable of yielding only one crop or more than one crop in a year arises, such question shall be decided by such authority and in such manner as may be prescribed and the decision of such authority thereon shall be final.

(*5*) Where the number of members of the family of a person exceeds five, he shall be entitled to hold land in excess of the ceiling limit to the extent of one-fifth of the ceiling limit for each member in excess of five; so, however, as not to exceed twice the ceiling limit in the aggregate.

(*6*) Where a person is a member of a family the land held by such person together with the land held by every other member of the family, whether individually or jointly, shall be taken into account in determining the ceiling limit.

(*7*) A person representing a family shall also be entitled to hold land not exceeding the ceiling limit for each of his major sons, if any:

Provided that the land, if any, held by such major son or, if he has a family, by any other member of his family shall be taken into account in determining the ceiling limit for the purposes of this sub-section.

(*8*) Where a family holds land in excess of the ceiling limit and such land includes land held by the wife or the husband, then, the share of the wife or the husband, as the case may be, in the land that may be held by the family within the ceiling limit shall be in the same proportion as it was in the total extent of the land held by the family.

(*9*) Where a person is a member of a registered co-operative farming society his share in the land held by such society shall be taken into account in calculating the ceiling limit in relation to such person.".

Amendment of section 4.

6. In section 4 of the principal Act, for the words, figures and letters "who at the commencement of this Act holds, or has at any time during the period between the 10th day of February, 1959, and such commencement held," the words "who on the appointed day or at any time thereafter held or holds," shall be substituted.

Amendment of section 6.

7. In section 6 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) For the purpose of determining the excess land under this section any land transferred by sale, gift or otherwise (other than a *bona fide* sale under a registered deed for valuable consideration) at any time during the period between the appointed day and the commencement of the Delhi Land Holdings (Ceiling) Amendment Ordinance, 1975, shall, notwithstanding such transfer, be deemed to be held by the transferor and the burden of proving the transfer by sale as *bona fide* shall be on the transferor.".

Substitution of new sections for section 7.

8. For section 7 of the principal Act, the following sections shall be substituted, namely:—

Selection of excess land in cases of certain transfers.

"7. (1) Where any person transfers any land by sale, gift or otherwise (other than a *bona fide* sale under a registered deed for valuable consideration) at any time during the period referred to in sub-section (2) of section 6, the excess land in relation to such person shall be selected from out of the land held by him after such transfer and in case the entire excess land cannot be so selected, the balance, or, where no land is held by him after the transfer, the entire excess land, shall be selected out of the land held by the transferee:

Provided that where such person has transferred his land to more than one person, the balance or the entire excess land, as the case may be, shall be selected out of the land held by each of the transferees in the same proportion as the area of the land transferred to him bears to the total area of the land transferred to all the transferees.

(2) Where any excess land is selected out of the land transferred, the transfer of such land shall be void.

Abatement of certain suits.

7A. Notwithstanding anything contained in any other law, every suit for the specific performance of a contract for the transfer of land, instituted after the appointed day and before the commencement of the Delhi Land Holdings (Ceiling) Amendment Ordinance, 1975 shall abate and no suit for the specific performance of any such contract entered into before such commencement shall be maintainable.".

Amendment of section 10.

9. In section 10 of the principal Act,—

(*a*) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

"(1) Where any excess land of a Bhumidhar vests in the Government, there shall be paid by the Government to the

Bhumidhar an amount calculated at the rates specified in the Table below, namely :—

THE TABLE

Class of land	Rates per hectare in rupees		
	For the first 3 hectares	For the next 3 hectares	For the remaining area
(*a*) Land under assured irrigation and capable of yielding at least two crops in a year.	5,000	4,400	4,000
(*b*) Land under assured irrigation and capable of yielding at least one crop in a year.	2,500	2,200	2,000
(*c*) Any other land (including an orchard)	1,250	1,100	1,000:

Provided that where such excess land or any part thereof is in the possession of an Asami, the amount payable in respect of the land shall be apportioned between the Bhumidhar and the Asami in such proportion as may be determined by the competent authority in the prescribed manner, having regard to their respective shares in the net income from such land.

(2) In addition to the amount payable in respect of any excess land under sub-section (*1*), there shall also be paid an amount in respect of any structure or building, including wells, tube-wells and embankments constructed on such excess land and such amount shall be fifty per cent. of the market value of such structure or building and shall be paid to the person who has constructed the structure or building.";

(*b*) in sub-section (*3*),—

(*i*) for the word "compensation" where it occurs in the first place, the words "an amount" and where it occurs in the second place, the word "amount" shall be substituted;

(*ii*) for the words, brackets and figures "sub-section (*4*) of section 7", the words, brackets and figures "sub-section (2) of section 7" shall be substituted;

(*c*) in sub-section (*4*),—

(*i*) for the words "the compensation", the words "the amount" shall be substituted;

(*ii*) the words "as compensation" shall be omitted;

(*d*) in sub-section (*5*), for the word "compensation", the words "the amount" shall be substituted;

(*e*) in sub-section (*6*), the words "of compensation" shall be omitted.

Amendment of section 11.

10. In section 11 of the principal Act, for the word "compensation" wherever it occurs, the word "amount" shall be substituted.

Amendment of section 16.

11. In section 16 of the principal Act, for the words "to such persons", the words and brackets "to such persons (preference being given to landless agricultural labourers particularly those belonging to the Scheduled Castes or the Scheduled Tribes)" shall be substituted.

Amendment of section 23.

12. In section 23 of the principal Act, in sub-section (*1*), for the words "shall be punishable with fine which may extend to one thousand rupees", the words "shall be punishable with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees" shall be substituted.

Omission of section 26.

13. Section 26 of the principal Act shall omitted.

Amendment of section 27.

14. In section 27 of the principal Act,—

(*a*) in sub-section (*2*),—

(*i*) in clauses (*g*), (*h*) and (*i*), for the word "compensation", the word "amount" shall be substituted;

(*ii*) in clause (*j*), for the word "compensation", the words "any amount" shall be substituted;

(*b*) in sub-section (*3*), for the words "which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

Saving.

15. (*1*) Subject to the provisions of sub-section (*2*), all proceedings relating to the determination of excess land and payment of amount therefor under the principal Act pending, immediately before the commencement of this Ordinance, before any authority shall be continued and disposed of in accordance with the provisions of the principal Act as it stood immediately before such commencement.

(*2*) Nothing in sub-section (*1*) shall be deemed to entitle any person to hold after the commencement of this Ordinance, land in excess of the ceiling limit under the principal Act as amended by section 4 of this Ordinance and accordingly the provisions of the principal Act as amended by this Ordinance shall, after such commencement, apply to such person in relation to such excess land.

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

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